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REPORT
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LEGISLATIVE COUNSEL
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EMERGENCY MARINE FISHERIES PROTECTION ACT

SEPTEMBER 23, 1974.—Ordered to be printed

Mr. FULBRIGHT, from the Committee on Foreign Relations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1988]

The Committee on Foreign Relations, to which was referred the bill (S. 1988) to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes, having considered the same, reports unfavorably thereon without amendment and recommends that the bill do not pass.

PURPOSE

The primary purpose of this legislation is to extend unilaterally U.S. fishery jurisdiction from 12 miles to 200 miles until a general agreement is reached at the United Nations Law of the Sea Conference establishing an effective international regulatory regime. It also extends U.S. control over anadromous (salmon) stocks wherever they may range on the high seas.

BACKGROUND

In the past, as long as fishing methods were primitive and fleets relatively small, most international fishing interests could be adequately accommodated without threatening the actual supply of fish. However, with the development of modern techniques and large fleets, many nations have developed concerns about the survival of their local fishing grounds. Although there are a number of international conventions designed to conserve the living resources of the oceans,

most of these agreements have proven ineffective in controlling the problems of over-exploitation. Consequently, more and more nations are extending their jurisdictions to preserve the fishery resources off their coasts.

At the present time, the United States recognizes a 3-mile territorial sea and by statute (Public Law 89-658) claims a 9-mile contiguous zone of exclusive jurisdiction over fisheries. Out of 121 independent coastal nations, 88 countries share this U.S. position with claims of less than 12 miles. On the other hand, eleven developing nations (Argentina, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Nicaragua, Panama, Peru, Sierra Leone and Uruguay) claim fishing rights or territorial jurisdiction over 200 miles of their coastal seas.

The Third U.N. Law of the Sea Conference which recently completed a 10-week session in Caracas, hopes to resolve these jurisdictional questions along with a wide range of other issues dealing with the various uses of the oceans and their resources. Progress at this Conference has been disappointingly slow. Consequently, there are serious doubts whether these negotiations can be completed by 1975.

The current U.S. fisheries position at these negotiations endorses a 200-mile coastal state "economic resource zone." This proposal would grant the coastal state effective regulatory and economic control over coastal species within a 200-mile zone, subject to international standards and review regarding conservation. Under the U.S. proposal, the coastal state would be permitted to reserve to its own vessels that portion of the allowable annual catch which they can harvest. The coastal state would also be expected to permit, for a reasonable fee, the taking of the remainder by foreign fishermen who have traditionally fished in that area. Any fishery regulations promulgated by coastal states for their "economic zones" could be challenged by other nations and made subject to compulsory dispute settlement or arbitration. Under the U.S. proposal, anadromous stocks (salmon) would be managed by the nation in whose streams and rivers they spawn. Highly migratory species, such as tuna, would be regulated by appropriate international agencies.

In the past, the U.S. fisheries position has been endorsed by a unified U.S. fishing industry. However, fishing interests along the Atlantic Coast and the Pacific Northwest are now convinced that the Law of the Sea Conference will not provide them with timely relief from foreign fishing pressures. These interests along with various sportsmen's organizations and some conservation groups are urging the passage of S. 1988. On the other hand, the American tuna and shrimp industries which fish off the East and West Coasts of Latin America adamantly oppose this legislation.

The sponsors of this legislation maintain that it is an interim measure and disclaim any intention of undermining the Law of the Sea Conference. However, the Department of State, in the person of Kenneth Rush, testified against its passage before the Commerce Committee on May 3, 1974. In his testimony, Acting Secretary of State Rush stated that—

The unilateral extension of jurisdiction required by this bill would have serious foreign policy implications which could create political tensions internationally. Such exten-

sion could seriously prejudice the achievement of satisfactory resolution of the fisheries and other issues at the Law of the Sea Conference; it would be harmful, on a long-term basis, to all U.S. fishing interests; and it would be a violation of international law.

The Department reiterated its opposition to S. 1988 in a letter to Senator Fulbright on August 5, 1974. In this correspondence, Deputy Secretary Robert S. Ingersoll wrote that—

The Executive Branch has consistently opposed any unilateral extension of U.S. jurisdiction over fisheries on an interim or other basis. In our view, such unilateral action would compromise the achievement of the full range of U.S. oceans policy objectives, including our basic objectives at the Law of the Sea Conference, would be a violation of international law and would create problems of the most serious order in our bilateral relations with many nations, including a number of European allies, Japan and the Soviet Union.

On September 14, 1974, in another letter to Senator Fulbright, the Department of Defense joined the State Department in its opposition to S. 1988. In this communication, Deputy Secretary William P. Clements made the following points:

The United States is a signatory to the 1958 Convention on the High Seas, which specifically identifies freedom of navigation, freedom of overflight, and freedom of fishing as among the constituent elements of the overall freedom of the high seas. The proposed legislation would unilaterally abrogate, contrary in our view to U.S. obligations under that Convention, the freedom of fishing in significant portions of the high seas. The response of other nations to this legislation is not likely to be limited to comparable restrictions on fishing. If the United States, by unilateral act, abrogates one identified freedom, we face the unhappy prospect that other nations may claim the right unilaterally to abrogate other identified freedoms, including the freedoms of navigation and overflight.

This threat to high seas freedoms is not, in our view, at all fanciful. A logical and predictable outgrowth of expanded fisheries jurisdiction is expanded jurisdiction over marine pollution which arguably affects marine resources. Given the misconceptions in many countries on the "pollution" aspects of nuclear powered vessels and vessels carrying nuclear weapons, we are genuinely concerned that such restrictive claims may be advanced, either on their own merits or for unrelated political ends, as a direct consequence of enactment of this legislation. This is in fact the history of most claims to expanded territorial jurisdiction.

Our strategic deterrent is based upon a triad of nuclear delivery systems, an essential portion of which is seaborne. Our general purpose forces, designed to deter war below the strategic nuclear war level, must, if the deterrent is to be credible, be free to move by air and sea to those areas where

our vital interests are threatened. Military mobility on and over the high seas is dependent to a significant degree on the maintenance of the freedom of the seas. These freedoms sanction and protect the activities of our forces. Reduced international waters and closed straits, therefore, threaten both the survivability and utility of our deterrent. In this connection, it should be noted that over 40 percent of the world's oceans lie within 200 miles of some nation's coast and that virtually the entire operating areas of the United States' 6th and 7th fleets lie within such waters.

* * * * *

If the United States now abandons its opposition to unilateral claims in the ocean, we will inevitably be faced with an increasing number of competing, retaliatory or unrelated claims impacting adversely on national security interests. If, as we expect, enactment of this legislation results in extended delay in the Law of the Sea negotiations, we will have reverted to the uncertain and dangerous procedure of shaping a new legal order for the world's oceans by the process of claim and counterclaim, action and reaction, which hopefully eventually would coalesce into customary international law. This is a dangerous way to regulate even economic relations among states. But when the claims begin to affect the mobility of our strategic and general purpose forces, the risk involved in the process of challenge is much higher. To set the nation on this path toward resolution of oceans policy issues is, in our view, both dangerous and extremely unwise.

COMMITTEE COMMENTS

After considering the communications and hearings on this subject, the Committee voted to report S. 1988 unfavorably to the Senate.

The Committee believes that unilateral action by the United States with respect to fisheries will encourage other countries to make broad jurisdictional claims which could seriously damage overall U.S. oceans interests including important security and energy needs. If the United States can eliminate one of the existing freedoms of the high seas—freedom of fishing—from a 200-mile area adjacent to its coast, other nations may feel the need to eliminate other freedoms, including freedom of navigation and freedom of overflight. As Deputy Secretary Clements pointed out in his letter, over forty percent of the oceans are within 200 miles of some nation's coast. Should certain countries close off access to these waters, vital U.S. national security interests could be threatened. Similarly, the movement of commercial shipping to the United States, particularly oil tankers, would be prejudiced.

The passage of S. 1988 could also disrupt existing relations with a number of distant water fishing nations which have traditionally fished in waters adjacent to the U.S. coast. This could lead to serious confrontations, particularly with the U.S.S.R. and Japan, similar to the recent dispute between Iceland and the United Kingdom. In addition to creating a possible conflict, the extension of U.S. fisheries jurisdiction to 200 miles would add an area of 2,222,000 square miles which

would be nearly impossible to police without international acceptance. Unless the U.S. obtains an international agreement, the cost of policing such a zone would be more than any conceivable benefit to the U.S. fisheries interests.

The Committee also believes that the passage of S. 1988 would be inconsistent with U.S. international legal obligations, particularly the 1958 Convention on the High Seas which specifically identifies freedom of fishing as an essential element of the overall high seas freedoms. Forty-six nations have signed this Convention and the United States has consistently opposed all other unilateral claims on the basis that they are violations of international law. A drastic reversal of our position at this time would seriously undermine U.S. credibility on all future ocean issues.

The Committee notes that the Executive Branch is taking concrete steps to relieve the interim fisheries problem for U.S. fishermen by:

- (1) Undertaking measures to strengthen bilateral and multi-lateral agreements to protect U.S. fishery resources;
- (2) Requesting the provisional application of the fisheries sections of the comprehensive law of the sea treaty now being negotiated; and
- (3) Announcing new enforcement procedures to protect U.S. fishery resources of the continental shelf.

The following letter from John Norton Moore, Chairman of the National Security Council Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference, to Senator Warren G. Magnuson, indicates the most recent action taken by the Administration to protect U.S. fishing interests.

DEPARTMENT OF STATE,
Washington, D.C., September 5, 1974.

Hon. WARREN G. MAGNUSON,
*Senate Commerce Committee,
U.S. Senate,
Washington, D.C.*

DEAR SENATOR MAGNUSON: In response to your recent inquiry concerning enforcement procedures in connection with continental shelf fishery resources, I am pleased to advise you that foreign governments whose vessels fish above the continental shelf of the United States are being notified of the following new guidelines for the enforcement of our rights to continental shelf fishery resources.

"1. The taking of continental shelf fishery resources from the United States continental shelf will result in the arrest and seizure of any vessel taking such resources, except as provided by the United States in bilateral agreements. For the purpose of determining whether such a taking has occurred, vessels may be boarded when engaging in either of the following acts:

- (a) Fishing above the continental shelf of the United States with gear which is designed specifically to catch continental shelf fishery resources; or
- (b) Fishing above the continental shelf of the United States with bottom gear which can be expected to result in the catch of continental shelf fishery resources except where the procedures

used are designed to reduce and control such incidental catch pursuant to an agreement with the United States.

"2. In those instances where the taking of continental shelf fishery resources does not result in a substantial catch and such taking does not appear to be deliberate or repeated, a warning will normally be given. In any event, fishermen are expected to return to the sea immediately any continental shelf fishery resources which may be taken incidentally in the course of directed fisheries for other species. Fishermen who encounter concentrations of continental shelf fishery resources in the course of their fishing operations should take immediate steps to avoid such concentrations in future tows.

"3. To facilitate the transition in fishing procedures required by these procedures, U.S. enforcement officers will act with discretion during a short period to allow fisherman operating in the region to become familiar with these procedures.

"4. The boarding and where appropriate the arrest of any vessel pursuant to these procedures shall be in strict conformity with paragraph 1 above.

"5. The effective date of these new procedures will be December 5, 1974."

These guidelines should substantially enhance our protection efforts and help conserve our valuable resources. The practical effect of the change in procedure contemplated by paragraph 1(b) is to require the negotiation of bilateral agreements with all nations fishing over our continental shelf with bottom gear which can be expected to result in the catch of continental shelf fishery resources. These agreements would set forth appropriate procedures to ensure the fullest protection of our resources.

I hope that you will conclude, as I have, that this effort will materially assist in providing added protection to our continental shelf fishery resources.

Sincerely,

JOHN NORTON MOORE.

*Chairman, National Security Council Interagency Task Force
on the Law of the Sea and Deputy Special Representative
of the President for the Law of the Sea Conference.*

In conclusion, the Committee believes that fishery problems are interrelated with other important U.S. ocean interests and should be dealt with in a comprehensive multilateral agreement. The third U.N. Conference on the Law of Sea is attempting to reach such an agreement. The second substantive session of this Conference is scheduled to meet next March and April and hopes to complete its work on this treaty. If the Conference successfully concludes this task, there is broad support for a 200-mile economic zone, which will fully protect U.S. coastal fishery interests. Consequently, the Committee recommends that the Senate not pass S. 1988 at this time. In this connection, however, the Committee wishes to emphasize that if the Law of the Sea Conference does not produce concrete results next year, then the U.S. position will obviously have to be reconsidered.

COMMITTEE ACTION

S. 1988 was introduced on June 13, 1973, by Senator Magnuson (for himself, and Senators Cotton, Hollings, Jackson, Pastore and Stevens). It was referred to the Commerce Committee and fifteen days of hearings were conducted by that Committee in the States of Alaska, Washington, California, Rhode Island, Massachusetts and the District of Columbia. On June 21, 1974, in view of the foreign policy considerations contained in this bill, Senator Fulbright requested a consecutive referral.

On August 8, 1974, the Commerce Committee favorably reported S. 1988. At that time, the Foreign Relations Committee was granted 21 days (counting only those days when the Senate was in session) to consider this legislation.

On September 5, 1974, the Foreign Relations Committee conducted a hearing on S. 1988. At that time the following witnesses were heard: Senator Warren G. Magnuson from Washington; Senators Ted Stevens and Mike Gravel from Alaska; Carlyle E. Maw, Under Secretary of State for Coordinating Security Assistance Programs; John R. Stevenson, Special Representative of the President for the Law of the Sea Conference; John Norton Moore, Chairman, NSC Interagency Task Force on the Law of the Sea, who was accompanied by Howard Pollack, Deputy Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce; and William Sullivan, Acting Coordinator of Ocean Affairs, Department of State.

The Committee considered S. 1988 in executive session on September 17, 1974. A motion to report the bill favorably was defeated by a vote of 8 yeas to 9 nays. Those voting in favor of the bill were Senators Sparkman, Church, Symington, Pell, Muskie, McGovern, Humphrey and Pearson. Those opposed were Senators Mansfield, McGee, Aiken, Case, Javits, Scott of Pennsylvania, Percy, Griffin and the Chairman, Senator Fulbright. Under the order of the Senate of August 8, therefore, the bill is reported unfavorably.

AGENCY COMMENTS

Set forth below is a letter from Secretary Kissinger expressing the Department of State's general opposition to S. 1988, along with a letter from Deputy Secretary William Clements setting forth the Defense Department's objections. A more detailed explanation of the State Department's position can be found in the statements of John Norton Moore and Ambassador John R. Stevenson, which are incorporated in the hearing (printed) held before the Senate Foreign Relations Committee on September 5, 1974.

THE SECRETARY OF STATE,
Washington, D.C., September 22, 1974.

HON. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Foreign Relations Committee recently held hearings on S. 1988, a bill to extend unilaterally the fisheries

jurisdiction of the United States from the present 12-mile limit to 200 miles. I wanted you to be aware of my view that passage of this bill would be seriously harmful to our foreign relations and I was pleased to learn that the Committee reported out S. 1988 with an unfavorable recommendation.

I sympathize with the concern for our coastal fishermen which has motivated this legislation. However, the best protection for them and the best solution for our fisheries problems is a timely ocean law treaty. The United Nations Conference on the Law of the Sea has made substantial progress in formulating such a treaty and will be meeting again next spring with a view towards concluding an agreement in 1975. Passage of S. 1988 or similar legislation unilaterally extending our jurisdiction at this time would be especially damaging to the chances of concluding a treaty.

Passage of S. 1988 would hurt our relations with Japan and the Soviet Union as well as with other nations fishing off our coasts. In addition, any effort to enforce a unilaterally established 200-mile fisheries zone against non-consenting nations would be likely to lead to confrontations. Adverse reactions by foreign nations would be understandable for the United States itself has consistently protested unilateral extensions of fishery jurisdiction beyond 12 miles. A unilateral extension by the United States now could encourage a wave of claims by others which would be detrimental to our overall oceans interests, including our interests in naval mobility and the movement of energy supplies.

I very much appreciate that a majority of the Foreign Relations Committee opposed passage of S. 1988. I hope that other members of the Senate will also carefully evaluate the foreign affairs consequences from passage of this legislation in the middle of the law of the sea negotiations.

Warm regards,

HENRY A. KISSINGER.

THE DEPUTY SECRETARY OF DEFENSE.

Washington, D.C., September 14, 1974.

HON. J. WILLIAM FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: It is my understanding that the Senate Foreign Relations Committee will shortly take up consideration of S. 1988, the Emergency Marine Fisheries Protection Act of 1974. Accordingly, I am taking this opportunity to convey to you the views of the Department of Defense, that enactment of this legislation would have a serious adverse impact on the national security interests of the United States.

The bill would extend the contiguous fisheries zone of the United States to a distance of 200 miles from the baseline from which the U.S. territorial sea is measured. Within this expanded zone the United States would exercise exclusive fishery management responsibility and authority, with the exception of certain highly migratory species. In addition, the bill would extend the fisheries management responsibility

and authority with respect to U.S. anadromous species, beyond 200 miles, to the full extent of the migratory range of such species on the high seas. The bill asserts on behalf of the United States preferential rights to all fish within the new U.S. contiguous zone and to U.S. anadromous species, and provides for a method whereby foreign nations which have traditionally fished within the new zone or for U.S. anadromous species may, for a fee, be permitted such portions of any stock which cannot be fully harvested by U.S. citizens.

The United States is a signatory to the 1958 Convention on the High Seas, which specifically identifies freedom of navigation, freedom of overflight, and freedom of fishing as among the constituent elements of the overall freedom of the high seas. The proposed legislation would unilaterally abrogate, contrary in our view to U.S. obligations under that Convention, the freedom of fishing in significant portions of the high seas. The response of other nations to this legislation is not likely to be limited to comparable restrictions on fishing. If the United States, by unilateral act, abrogates one identified freedom, we face the unhappy prospect that other nations may claim the right unilaterally to abrogate other identified freedoms, including the freedoms of navigation and overflight.

This threat to high seas freedoms is not, in our view, at all fanciful. A logical and predictable outgrowth of expanded fisheries jurisdiction is expanded jurisdiction over marine pollution which arguably affects marine resources. Given the misconceptions in many countries on the "pollution" aspects of nuclear powered vessels and vessels carrying nuclear weapons, we are genuinely concerned that such restrictive claims may be advanced, either on their own merits or for unrelated political ends, as a direct consequence of enactment of this legislation. This is in fact the history of most claims to expanded territorial jurisdiction.

Our strategic deterrent is based upon a triad of nuclear delivery systems, an essential portion of which is seaborne. Our general purpose forces, designed to deter war below the strategic nuclear war level, must, if the deterrent is to be credible, be free to move by air and sea to those areas where our vital interests are threatened. Military mobility on and over the high seas is dependent to a significant degree on the maintenance of the freedom of the seas. These freedoms sanction and protect the activities of our forces. Reduced international waters and closed straits, therefore, threaten both the survivability and utility of our deterrent. In this connection, it should be noted that over 40 percent of the world's oceans lie within 200 miles of some nation's coast and that virtually the entire operating areas of the United States' 6th and 7th fleets lie within such waters.

Whether the proposed legislation contains sufficient distinguishing features to remove it from the ambit of the recent International Court of Justice decision that Iceland's unilateral declaration of 50 mile exclusive fisheries zone was under the relevant circumstances illegal is not for this Department to decide. However, we do perceive that the United States would not be in a strong position to oppose by legal means, unilateral claims by foreign states restricting our naval or air mobility near their coasts.

Our experience in attempting to obtain overflight clearances in Europe during the most recent Arab-Israeli conflict leads us to conclude that bilateral negotiations cannot be depended upon to ensure the military mobility necessary to achieve US foreign policy objectives. What this bill invites then, is a situation wherein the United States must either acquiesce in serious erosion of its rights to use the world's oceans, or must be prepared to forcefully assert those rights.

Thus far I have focused on what I consider the short term consequences to flow from enactment of this legislation. The long term adverse consequences to our national security interests are of equal, if not greater, concern. We recognize the worldwide trend toward expanded jurisdiction by coastal states over fisheries and other economic resources off their coasts. One of the fundamental objectives of the Department of Defense in the Law of the Sea negotiations undertaken with the express consent of the Senate extending over the last several years, has been to ensure that such expansion takes place in a multilateral context resulting in a treaty which clearly identifies the limits beyond which such expansion may not go. As the negotiation has progressed, we have developed a degree of confidence that we will be able to influence and control the limits of any expanded jurisdiction so as to protect and exclude from foreign control, those activities, facilities and operations essential to our national security.

In our judgment, enactment of the proposed legislation would seriously erode the prospect for a broadly based multilateral treaty putting to rest the broad range of increasingly contentious ocean issues.

We base this judgment on a number of factors. Our appreciation of the criticality of the multilateral solution has led us over the years to protest vigorously virtually all unilateral extensions of coastal state jurisdiction, whatever their avowed functional purpose. Enactment of the proposed legislation would be a dramatic and highly visible reversal of past US policy. For the US to adopt unilateralism as a viable approach to oceans policy problems at this juncture, would seriously undercut the credibility of US negotiators not only on the fisheries issue, but also on our basic commitment to international agreement. This unilateral action could result in an erosion of the world's perception of our other essential objectives such as unimpeded transit through and over straits, which we have identified as both cornerstones of our policy and essential elements of an acceptable solution.

From a substantive interest standpoint, the legislation lends support and gives added international respectability to the positions and policies of precisely those states who have been most hostile to our defense objectives, and it would at the same time offend and impose economic losses on the very states who have most consistently supported at the Law of the Sea Conference position we deem essential for the protection of our national security interests.

Finally, we believe enactment of the proposed legislation would give substantial aid and comfort to the hard line proponents of delay in the Conference. It would lend credence and support to their argument that the long term trend in ocean law is toward a 200 mile territorial sea, evolved through a conscious parallelism of unilateral claims. In short, the prophesy of extended delays in law of the sea negotiations, which

some argue requires the proposed legislation, will, in our view, become self-fulfilling prophesy if it is enacted.

If the United States now abandons its opposition to unilateral claims in the ocean, we will inevitably be faced with an increasing number of competing, retaliatory or unrelated claims impacting adversely on national security interests. If, as we expect, enactment of this legislation results in extended delay in the Law of the Sea negotiations, we will have reverted to the uncertain and dangerous procedure of shaping a new legal order for the world's oceans by the process of claim and counterclaim, action and reaction, which hopefully eventually would coalesce into customary international law. This is a dangerous way to regulate even economic relations among states. But when the claims begin to affect the mobility of our strategic and general purpose forces, the risk involved in the process of challenge is much higher. To set the nation on this path toward resolution of oceans policy issues is, in our view, both dangerous and extremely unwise.

I very much appreciate this opportunity to set forth the views of the Department of Defense with respect to S. 1988, and appreciate the consideration I am sure they will receive from you and your Committee.

W. P. CLEMENTS, Jr.

ADDITIONAL VIEWS

As part of the rather substantial minority within the Foreign Relations Committee that voted for a favorable report on S. 1988, we as New England Coastal State Senators believe it particularly necessary to prepare these additional views strongly supporting the passage of this legislation.

Together we have closely followed and participated in the development of the U.S. position and the preparations aimed at establishing an international legal regime governing the uses of the oceans. Both of us have been named as Senate Advisors to the U.S. Delegation to the Third UN Law of the Sea Conference and have actively discussed the aims and progress of this Conference with both the United States and foreign delegations.

From a philosophical and idealistic point of view, we both believe that a comprehensive multilateral treaty is necessary to solve the numerous problems associated with ocean space. However, with respect to fisheries, it is our belief that the delays in negotiations and the time needed to conclude an agreement of this magnitude will not realistically serve our country's best interests. At the present time, there are 149 nations participating in the UN Law of the Sea Conference, many of which have not determined their own national policies or interests. These countries hope to deal with approximately 81 items, each having various degrees of importance to certain groups of countries. Four years of preparatory meetings have done little to reconcile the wide disparities between these nations and their ocean interests. Consequently, we believe that it will be very difficult for the Conference to complete its task by 1975, and that interim action is essential to prevent the further depletion of our own U.S. coastal fish species.

In New England, the problem is particularly acute. Since the early 1960's foreign fishing has severely reduced the number of our coastal stocks. The National Marine Fisheries Service indicates that Atlantic haddock, herring, menhaden, yellowtail flounder and halibut have been severely depleted, some to a point where they may never recover. Although the United States is party to a large number of international fishery conservation conventions, most of these agreements fail to contain realistic or effective enforcement provisions. Consequently, these arrangements have miserably failed in their efforts to stop over-exploitation.

We have been told by both foreign delegates and by the Administration that it takes time to negotiate solutions to these very important international problems. We have been urged to use restraint and to await the outcome of the Law of the Sea Conference. However, we fail to discern similar restraint being exercised by foreign trawlers off our New England coasts, nor do we see any bilateral agreements being concluded to the same effect. We firmly believe that a generally ac-

ceptable treaty on fisheries will not be negotiated and implemented before the late 1970's, and that there is a serious danger of a further depletion of our coastal species. Therefore, we feel that it is in our best national interests and in the interests of conservation to adopt the emergency interim measures contained in S. 1988 designed to regulate, control and protect the fishery stocks within 200 miles of our coasts.

It should be noted and emphasized that the testimony received by the Foreign Relations Committee indicates that the provisions of S. 1988 are totally consistent with the current fishery goals of the United States at the Law of the Sea Conference and are meant to be interim only. Sections of this bill specifically state that if the Law of the Sea negotiations produce an acceptable agreement which is ratified by the Senate, this legislation will be preempted. Consequently, we strongly urge our fellow Senators to vote for the passage of S. 1988.

CLAYBORNE PELL.
EDMUND S. MUSKIE.

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